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| 09/987,143 | 11/13/2001 | Katsuya Nakagawa | 0033-0775P | 6454 |
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| BIRCH STEWART KOLASCH & BIRCH | | | PEACHES, RANDY | |
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2686

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 09/987,143 | Applicant(s) NAKAGAWA, KATSUYA | |
| | Examiner Randy Peaches | Art Unit 2686 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. ***Claims 1-3, 7-9, 13-15, 19-21, 25-27 and 31-33*** are rejected under 35

U.S.C. 102(e) as being anticipated by Drury et al. (U.S. Patent Number 6,707,421 B1).

Regarding ***claims 1, 7, 13 and 25***, Drury et al. discloses an information system, which reads on claimed "providing system," comprising an in-vehicle system (IVS, 105), which reads on claimed "mobile terminal," and a server system (125), which reads on claimed "information providing device. " See column 4 lines 52-60 and FIGURES 2 and 3,

- said IVS (105) including:

- a communication system (250), which reads on claimed "communication circuit," communicating with said server system (125). See column 11 lines 50-60,
- a GPS receiver (252), which reads on claimed "detection circuit, " detecting a position of said IVS (105). See column 11 lines 35-49,

- an I/O device (240), which reads on claimed "output circuit," outputting information. See column 10 lines 1-6, column 11 lines 1-34, and
- an onboard computer (210), which reads on claimed "control circuit," connected to said communication system (250), said GPS receiver (252) and said I/O device (240), and controlling said IVS (105). See column 10 lines 10-22,
- said onboard computer (210) including a processor (212), which reads on claimed "circuit controlling," said GPS receiver (252) and said communication system (250) such that positional information representing a position of said IVS (105) is transmitted to said server system (125).

See FIGURE 2,

- said server system (125) including:

- a telephone interface (320), which reads on claimed "communication circuit," communicating with said IVS (105). See column 11 lines 62-64,
- a static memory (316), which reads on claimed "first storage circuit," storing route/map information, which reads on claimed "plan information," representing a plan to be executed by a user of said IVS (105). See column 35-43, and
- a server computer (310), which reads on claimed "control circuit," connected to said telephone interface (320) and said static memory (316), and controlling said server system (125). See FIGURE 3,

- said server computer (310) of said server system (125) including a processor (312) said telephone interface (320) such that information related to an activity for executing said plan is transmitted to said IVS (105), based on said positional information received from said IVS (105) and said route/map information stored in said static memory (316). See column 25 lines 47-60 and column 18 lines 60-67 and column 19 lines 1-7,
- said on-board computer (210) of said IVS (105) further including a processor (212) controlling the said I/O device (240) such that the information related to the activity for executing said route/map received from said server system is output. See column 10 line 51-62.

Regarding **claim 19**, Drury et al. discloses an information system, which reads on claimed "providing system," comprising an in-vehicle system (IVS, 105), which reads on claimed "mobile terminal," and a server system (125), which reads on claimed "information providing device. " (See column 4 lines 52-60 and FIGURES 2 and 3), wherein:

- said IVS (105) transmits positional information representing a position of said IVS (105) to said information providing device., and outputs information received from said information providing device. See column 18 lines 60-67 and column 19 lines 1-7,
- said server system (125) including:

- a telephone interface (320), which reads on claimed "communication circuit," communicating with said IVS (105). See column 11 lines 62-64,
- a static memory (316), which reads on claimed "first storage circuit," storing route/map information, which reads on claimed "plan information," representing a plan to be executed by a user of said IVS (105). See column 35-43, and
- a server computer (310), which reads on claimed "control circuit," connected to said telephone interface (320) and said static memory (316), and controlling said server system (125). See FIGURE 3,
- said server computer (310) of said server system (125) including a processor (312) said telephone interface (320) such that information related to an activity for executing said plan is transmitted to said IVS (105), based on said positional information received from said IVS (105) and said route/map information stored in said static memory (316). See column 25 lines 47-60 and column 18 lines 60-67 and column 19 lines 1-7,
- said on-board computer (210) of said IVS (105) further including a processor (212) controlling the said I/O device (240) such that the information related to the activity for executing said route/map received from said IVS (105) and route information stored in said static memory (316). See column 10 line 51-62 and column 12 lines 35-51.

Regarding **claims 2, 8, 14, 20 and 26** according to **claims 1, 7, 13, 19 and 25** Drury et al. continues to disclose,

- wherein the said route/map information includes location information representing an execution location where said route/map is executed. See column 29 lines 60-67, lines 1-16, and
- said server computer (310) of said server system (125) includes an A-star algorithm, which reads on claimed "circuit conducting a search," for a route of traveling from a position of said IVS (105) to said execution location, based on said positional information and said location information. See column 25 lines 54-67 and column 26 lines 1-27, and
- a server computer (310) said telephone interface (320) such that information representing said route of traveling is transmitted to said IVS (105). See column 19 lines 52-54 and column 5 lines 18-24.

Regarding **claims 3, 9, 15, 21, 27 and 33** according to **claims 1, 7, 13, 19, 25 and 31** Drury et al. continues to disclose wherein,

- said route/map information includes location information representing an execution location where said route/map is executed and time information representing execution time at which said route/map is executed. See column 7 lines 52-62, and
- said server computer (310) of said server system (125) includes a an A-star algorithm that conducts a route of traveling from a position of said IVS (105) to

said execution location, based on said positional information and said location information. See column 25 lines 54-67,

- a circuit calculating time required for said traveling, based on said execution time and said route. See column 7 lines 52-62, and
- a said server computer (310) controlling said telephone interface (320) such that information representing said route of traveling and information representing said time required for traveling are transmitted to said IVS (105). See column 5 lines 64-67 and column 6 lines 1-7.

Regarding **claim 31**, Drury et al. discloses a server system (125), which reads on claimed "computer-readable recording medium," in which a program implementing an information providing method providing to a said IVS (105) with information is recorded, wherein said information providing method includes the steps of:

- preparing a said route/map information representing a said route/map to be executed by a user of said IVS (105). See column 10 lines 23-33,
- receiving positional information representing a position of said IVS (105) from said IVS (105). See column 18 lines 60-67 and column 19 lines 1-7,
- generating information related to an activity for executing said plan is transmitted to said IVS (105), based on said positional information received from said IVS

(105) and said route/map information stored in said static memory (316). See column 25 lines 47-60 and column 18 lines 60-67 and column 19 lines 1-7, and

- transmitting the said information representing said route of traveling, which reads on claimed "activity," is transmitted to said IVS (105). See column 19 lines 52-54 and column 5 lines 18-24 and column 7 lines 54-67.

Regarding **claim 32**, according to **claim 31**, Drury et al. discloses a server system (125), which reads on claimed "computer-readable recording medium," wherein:

- said route/map information includes location information representing an execution location where said route/map is executed and time information representing execution time at which said route/map is executed. See column 7 lines 52-62, and
- a A-star algorithm that conducts a route of traveling from a position of said IVS (105) to said execution location, based on said positional information and said location information. See column 25 lines 54-67,
- a step such that information representing said route of traveling and information representing said time required for traveling are transmitted to said IVS (105). See column 5 lines 64-67 and column 6 lines 1-7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. ***Claims 4-6, 10, 16-18, 22-24, 28-30 and 34-36*** are rejected under 35 U.S.C. 103(a) as being unpatentable over Drury et al. (U.S. Patent Number 6,707,421 B1) in view of Fitch et al. (U.S. Patent Number 6,321,092 B1).

Regarding ***claims 4, 10, 16, 22, 28 and 34***, according to ***claims 3, 9, 15, 21, 27 and 33*** Drury et al. discloses a said information system wherein:

- said server system (125) further includes a working database (314), which reads on claimed "second storage circuit," storing event information in connection with a location where an event is held and time required for execution of the event. See FIGURE 3 and column 7 lines 52-62,
- said server computer (310) of said server system (125) further includes a an A-star algorithm that conducts a route of traveling from a position of said IVS (105) to said execution location, based on said positional information and said location information. See column 25 lines 54-67 and,

- a server computer (310) said telephone interface (320) such that information representing said route of traveling is transmitted to said IVS (105). See column 19 lines 52-54 and column 5 lines 18-24.

However, Drury et al. fails to disclose wherein spare time is calculated before start of traveling to be used as the bases in the computation of the said route information.

Fitch et al. teaches in column 9 lines 18-35 wherein additional time, which reads on claimed "spare time," is incorporated within the computation of the said determination of the a said route which, in turn, transmitted to a user for execution.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Drury et al. (U.S. Patent Number 6,707,421 B1) to include Fitch et al. (U.S. Patent Number 6,321,092 B1) in order to provide for a maximum time of travel required by a user to execute a said route, which further allows the said user the ability to better schedule travel plans based on derived information.

Regarding **claims 5, 17, 23, 29 and 35**, as the combination of Drury et al. (U.S. Patent Number 6,707,421 B1) and Fitch et al. (U.S. Patent Number 6,321,092 B1) are made, the combination according to **claims 3, 15, 21, 27, and 33** Drury et al. further teaches wherein said server system (125) further includes:

- a said working database (314) storing event information in connection with a location where an event is held, time required for execution of the event, and a detail of the event See column 30 lines 51-56, and

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- a user profile (2232), which reads on claimed "third storage circuit," storing preference information representing a preference of said user. See FIGURE 22, and
- said server computer (310) of said server system (125) further includes a an A-star algorithm that conducts a route of traveling from a position of said IVS (105) to said execution location, based on said positional information and said location information. Additionally, A-star algorithm conducts a search for an event that can be executed by said IVS (105) from the event stored in the said location where the event is held, said time required and a degree of matching between the user's preferences. See column 25 lines 54-67 and column 7 lines 52-63,
- a server computer (310) said telephone interface (320) such that information, which reads on claimed "event," representing said route of traveling is transmitted to said IVS (105). See column 19 lines 52-54 and column 5 lines 18-24 and column 7 lines 54-67.

However, Drury et al. fails to disclose wherein spare time is calculated before start of traveling to be used as the bases in the computation of the said route information.

Fictch et al. teaches in column 9 lines 18-35 wherein additional time, which reads on claimed "spare time," is incorporated within the computation of the said determination of the a said route which, in turn, transmitted to a user for execution.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Drury et al. (U.S. Patent Number 6,707,421 B1) to include Fitch et al. (U.S. Patent Number 6,321,092 B1) in order to provide for a

maximum time of travel required by a user to execute a said route, which further allows the said user the ability to better schedule travel plans based on derived information.

Regarding **claims 6, 12, 18, 24, 30 and 36**, as the combination of Drury et al. (U.S. Patent Number 6,707,421 B1) and Fitch et al. (U.S. Patent Number 6,321,092 B1) are made, the combination according to **claims 3, 9, 15, 21, 27 and 33**, Drury et al. further teaches in column 47 lines 25-43 wherein said server system (125) further includes:

- User Profile Database (2232), which reads on claimed "search circuit," searching for weather information representing weather, and
- a working database (314), which reads on claimed "second storage circuit," storing event information in connection with a location where an event is held, time required for execution of the event and the weather suitable for the said information. See FIGURE 22 and column 7 lines 52-62 and column 47 lines 25-43,
- said server computer (310) of said server system (125) further includes a an A-star algorithm that conducts a route of traveling from a position of said IVS (105) to said execution location, based on said positional information and said location information. Additionally, A-star algorithm conducts a search for an event that can be executed by said IVS (105) from the event stored in the said location where the event is held, said time required and a degree of matching between the user's preferences which include weather information. See column 25 lines 54-67 and column 7 lines 52-63 and column 47 lines 25-43,

- a server computer (310) said telephone interface (320) such that information, which reads on claimed "event," representing said route of traveling is transmitted to said IVS (105). See column 19 lines 52-54 and column 5 lines 18-24 and column 7 lines 54-67.

However, Drury et al. fails to disclose wherein spare time is calculated before start of traveling to be used as the bases in the computation of the said route information.

Fitch et al. teaches in column 9 lines 18-35 wherein additional time, which reads on claimed "spare time," is incorporated within the computation of the said determination of the a said route which, in turn, transmitted to a user for execution.

Therefore, at the time of the invention it would have been obvious to a person of ordinary skill in the art to modify Drury et al. (U.S. Patent Number 6,707,421 B1) to include Fitch et al. (U.S. Patent Number 6,321,092 B1) in order to provide for a maximum time of travel required by a user to execute a said route, which further allows the said user the ability to better schedule travel plans based on systems derived information and the said user's preference.

Response to Arguments

Applicant's arguments filed 3/15/2005 have been fully considered but they are not persuasive.

Regarding **claim 1**, the Applicant argues the premise that the cited prior art fails to render conclusive evidence wherein map/route information, as taught by Drury et al., does not support the Applicant's claimed language of "plan information". The Examiner

would like to respectfully bring to the Applicant's attention in Drury et al. column 7 lines 56-63 wherein it is clearly detailed that the map/route information disclosed to the user contains step by step "plan information" to successfully get the user to his/her destination. Additionally, with reference to the ***Merriam-Webster Online Dictionary***, the word map is defined as a plan in detail.

Regarding claims 2—40, the rejection stands based on the information provided above and the cited rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randy Peaches whose telephone number is (571) 272-7914. The examiner can normally be reached on Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Randy Peaches
November 10, 2005

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